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CASE CL/V-31679A

1712
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March 3, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Examiner:

TUREK ET AL.

KUO LIANG PENG

APPLICATION NO: 10/017,549

ART UNIT: 1712

FILED: DECEMBER 14, 2001

FOR: A TINTED, HIGH DK OPHTHALMIC MOLDING AND A METHOD FOR MAKING SAME

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSES TO OFFICE ACTION

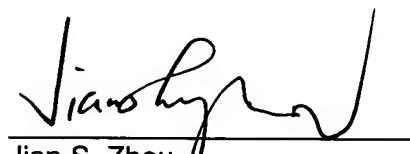
Sir:

The Final Office Action dated December 9, 2003 from Examiner Kuo Liang Peng of Art Unit 1712 has been received and reviewed. In the Final Office Action, claim 2 was provisionally rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of copending Application No. 10/153,040 in view of Heiler (US 6,451,303) and Valint (US 6,193,369); claim 7 was provisionally rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of copending Application No. 10/153,040 in view of Heiler (US 6,451,303); claims 1, 3-6 and 9-30 were allowed by the Examiner; and claim 8 was objected by the Examiner to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants respectfully submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). Applicants believe that both the provisional obviousness-type double patenting rejection over claims 2 and 7 and the objection of claim 8 have been overcome by the submitted terminal disclaimer. Applicants respectfully request reconsideration and withdrawal of the rejections and

objection set-forth in the Final Office Action.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



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Date: March 3, 2004

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